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04676.105059

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177

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: JayRaz Luchoomun *et al.*

Serial No.: 09/833,407

Filed: April 11, 2001

Title: Compounds and Methods to Increase Plasma HDL Cholesterol Levels and Improve HDL Functionality

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Commissioner for Patents
Washington, DC 20231

PETITION TO CORRECT INVENTORSHIP UNDER 37 C.F.R. 1.48(a)

Sir:

Pursuant to 37 C.F.R. 1.48(a), Applicants herewith petition that James A. Sikorski be added as an inventor in the above-identified patent application. The currently-named inventors are Jayraz Luchoomun, Charles Q. Meng, and Uday Saxena.

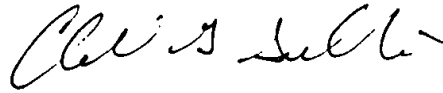
Appended hereto is a Statement of Facts executed by Jayraz Luchoomun, Charles Q. Meng, Uday Saxena, and James A. Sikorski establishing that an inadvertent error was made without deceptive intent by failing to name James A. Sikorski as an inventor.

The assignee, AtheroGenics, Inc., has consented to the correction of the named inventors to add James A. Sikorski as an inventor.

Also appended hereto is a Declaration for Patent Application executed by Jayraz Luchoomun, Charles Q. Meng, Uday Saxena, and James A. Sikorski.

Applicants also enclose a check in the amount of \$130.00, the fee for filing this petition set forth in 37 C.F.R. 1.17(h). The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account 11-0980.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Clark G. Sullivan".

Clark G. Sullivan
Reg. No. 36,942

KING & SPALDING
191 Peachtree Street
Atlanta, GA 30303
404-572-2882 (Telephone)
404-572-5145 (Facsimile)
2301305



CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this PETITION TO CORRECT INVENTORSHIP UNDER 37 C.F.R. 1.48(a), along with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on the date shown below with sufficient postage as first-class mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

Nan Huff
Nan Huff

Date: April 26, 2002
File No.: ATH113 (04676.105059)

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Applicants: JayRaz Luchoomun *et al.*

Serial No.: 09/833,407

Filed: April 11, 2001

Title: Compounds and Methods to Increase Plasma HDL Cholesterol Levels and Improve HDL Functionality

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STATEMENT OF FACTS

Sir:

1. The above-identified application was filed on March 11, 2001.
2. The application named Jayraz Luchoomun, Charles Q. Meng, and Uday Saxena as joint inventors.
3. A review of the inventorship of the application determined that Jayraz Luchoomun, Charles Q. Meng, Uday Saxena, and James A. Sikorski are joint inventors of the subject matter presented in this application.
4. James A. Sikorski was not named as a joint inventor when the application was filed.
5. The error in failing to name James A. Sikorski as a joint inventor of the claimed subject matter was inadvertent and occurred without deceptive intent on the part of the undersigned.
6. The undersigned Declarants further declare that all statements made hereon of their own knowledge are true and that all statements made on information and belief are believed to be true and further that the statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application and any patent issuing thereon.

U.S.S.N. 09/833,407
Filed: March 11, 2001
STATEMENT OF FACTS

3/28/02

Date

3/28/02


Date

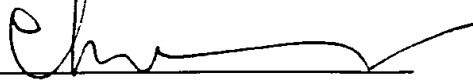
3/26/02


Date

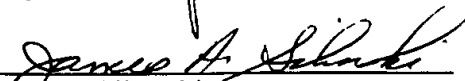
3/28/02

Date


Jayraz Luchoomun


Charles Q. Meng


Uday Saxena


James A. Sikorski



COPY OF PAPERS
ORIGINALLY FILED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Jayraz Luchoomun *et al.*

Serial No.: 09/833,407

Filed: April 11, 2001

Examiner: Unknown

For: Methods and Compositions to Increase Plasma HDL Levels

Assistant Commissioner for Patents
Washington, D.C. 20231

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CONSENT TO CORRECT NAMED INVENTOR

Sir:

The Assignee of the entire interest of the above-identified application, AtheroGenics, Inc., consent to correct the inventorship of the above-identified patent application to name James A. Sikorski as a joint inventor.

The undersigned has reviewed the enclosed Assignment of the patent application identified above and, to the best of the undersigned's knowledge and belief, title is in AtheroGenics, Inc.

The undersigned (whose title is supplied below) is empowered to act on behalf of the Assignee, AtheroGenics, Inc.

Martin A. Wasserman

Name: Martin A. Wasserman, Ph.D.

Title: Vice President of Research and Chief Scientific Officer, AtheroGenics, Inc.

ASSIGNMENT

WHEREAS, WE, JAYRAZ LUCHOOMUN, CHARLES Q. MENG, UDAY SAXENA, AND JAMES A. SIKORSKI have invented certain improvements in "Methods and Compositions to Increase Plasma HDL Levels" for which I have executed United States provisional application no. 60/196,201 filed on April 11, 2000 and United States non-provisional application no. 09/833,407 which was filed on April 11, 2001; and

WHEREAS, ATHEROGENICS, INC., a Georgia corporation having an office at 8995 Westside Parkway, Alpharetta, GA 30004, desires to purchase same;

NOW, THEREFORE, in consideration of the sum of Five Dollars (\$5.00) and other good and valuable consideration paid by ATHEROGENICS, INC., the receipt and sufficiency of which are hereby acknowledged, I, JAYRAZ LUCHOOMUN, have sold, assigned, transferred and conveyed and by these presents do hereby sell, assign, transfer and convey unto ATHEROGENICS, INC., in and for the United States and its territories and for foreign countries, the entire right, title and interest in and to said provisional application and said application for United States Letters Patent, in and to the invention therein set forth and in and to any patent which may issue on said application for United States Letters Patent or any application, reissue, renewal, division, continuation or continuation-in-part thereof; or any foreign counterpart thereof or any other application that claims priority to the above-application, and I hereby bind myself, my heirs, legal representatives, administrators and assigns properly to execute without further consideration, any and all applications, petitions, oaths and assignments or other papers and instruments which may be necessary in order to carry into full force and effect the sale, assignment, transfer and conveyance hereby made or intended to be made.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 6th day of
February, 2002.



JAYRAZ LUCHOOMUN

On this 6th day of February, 2002, before me, a notary public, came
Jayraz Luchoomun, to me known and known to be the individual described in and who
executed the foregoing assignment, and he duly acknowledged the same to be his free act and deed.



Notary Public

(SEAL)

My commission expires: Feb. 3, 2004

Notary Public, Gwinnett County, Georgia
My Commission Expires February 3, 2004

ASSIGNMENT

WHEREAS, WE, JAYRAZ LUCHOOMUN, CHARLES Q. MENG, UDAY SAXENA, AND JAMES A. SIKORSKI have invented certain improvements in "Methods and Compositions to Increase Plasma HDL Levels" for which I have executed United States provisional application no. 60/196,201 filed on April 11, 2000 and United States non-provisional application no. 09/833,407 which was filed on April 11, 2001; and

WHEREAS, ATHEROGENICS, INC., a Georgia corporation having an office at 8995 Westside Parkway, Alpharetta, GA 30004, desires to purchase same;

NOW, THEREFORE, in consideration of the sum of Five Dollars (\$5.00) and other good and valuable consideration paid by ATHEROGENICS, INC., the receipt and sufficiency of which are hereby acknowledged, I, CHARLES Q. MENG, have sold, assigned, transferred and conveyed and by these presents do hereby sell, assign, transfer and convey unto ATHEROGENICS, INC., in and for the United States and its territories and for foreign countries, the entire right, title and interest in and to said provisional application and said application for United States Letters Patent, in and to the invention therein set forth and in and to any patent which may issue on said application for United States Letters Patent or any application, reissue, renewal, division, continuation or continuation-in-part thereof; or any foreign counterpart thereof or any other application that claims priority to the above-application, and I hereby bind myself, my heirs, legal representatives, administrators and assigns properly to execute without further consideration, any and all applications, petitions, oaths and assignments or other papers and instruments which may be necessary in order to carry into full force and effect the sale, assignment, transfer and conveyance hereby made or intended to be made.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 6th day of
February, 2002.



CHARLES Q. MENG

On this 6th day of February, 2002, before me, a notary public, came
Charles Q. Meng, to me known and known to be the individual described in and who
executed the foregoing assignment, and he duly acknowledged the same to be his free act and deed.


Notary Public

(SEAL)

My commission expires: Feb 3, 2004

Notary Public, Gwinnett County, Georgia
My Commission Expires February 3, 2004

ASSIGNMENT

WHEREAS, WE, JAYRAZ LUCHOOMUN, CHARLES Q. MENG, UDAY SAXENA, AND JAMES A. SIKORSKI have invented certain improvements in "Methods and Compositions to Increase Plasma HDL Levels" for which I have executed United States provisional application no. 60/196,201 filed on April 11, 2000 and United States non-provisional application no. 09/833,407 which was filed on April 11, 2001; and

WHEREAS, ATHEROGENICS, INC., a Georgia corporation having an office at 8995 Westside Parkway, Alpharetta, GA 30004, desires to purchase same;

NOW, THEREFORE, in consideration of the sum of Five Dollars (\$5.00) and other good and valuable consideration paid by ATHEROGENICS, INC., the receipt and sufficiency of which are hereby acknowledged, I, UDAY SAXENA, have sold, assigned, transferred and conveyed and by these presents do hereby sell, assign, transfer and convey unto ATHEROGENICS, INC., in and for the United States and its territories and for foreign countries, the entire right, title and interest in and to said provisional application and said application for United States Letters Patent, in and to the invention therein set forth and in and to any patent which may issue on said application for United States Letters Patent or any application, reissue, renewal, division, continuation or continuation-in-part thereof; or any foreign counterpart thereof or any other application that claims priority to the above-application, and I hereby bind myself, my heirs, legal representatives, administrators and assigns properly to execute without further consideration, any and all applications, petitions, oaths and assignments or other papers and instruments which may be necessary in order to carry into full force and effect the sale, assignment, transfer and conveyance hereby made or intended to be made.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 01 day of Feb, 2002.

Uday Saxena
UDAY SAXENA

On this 01 day of Feb., 2002, before me, a notary public, came _____, to me known and known to be the individual described in and who executed the foregoing assignment, and he duly acknowledged the ~~same to be his~~ act and deed.

~~Notary Public, State of Georgia~~

~~Qualified in Forsyth County~~

~~Commission expires Nov 30, 2004~~

[Signature]
Notary Public

(SEAL)

My commission expires: 11/30/04

ASSIGNMENT

WHEREAS, WE, JAYRAZ LUCHOOMUN, CHARLES Q. MENG, UDAY SAXENA, AND JAMES A. SIKORSKI have invented certain improvements in "Methods and Compositions to Increase Plasma HDL Levels" for which I have executed United States provisional application no. 60/196,201 filed on April 11, 2000 and United States non-provisional application no. 09/833,407 which was filed on April 11, 2001; and

WHEREAS, ATHEROGENICS, INC., a Georgia corporation having an office at 8995 Westside Parkway, Alpharetta, GA 30004, desires to purchase same;

NOW, THEREFORE, in consideration of the sum of Five Dollars (\$5.00) and other good and valuable consideration paid by ATHEROGENICS, INC., the receipt and sufficiency of which are hereby acknowledged, I, JAMES A. SIKORSKI, have sold, assigned, transferred and conveyed and by these presents do hereby sell, assign, transfer and convey unto ATHEROGENICS, INC., in and for the United States and its territories and for foreign countries, the entire right, title and interest in and to said provisional application and said application for United States Letters Patent, in and to the invention therein set forth and in and to any patent which may issue on said application for United States Letters Patent or any application, reissue, renewal, division, continuation or continuation-in-part thereof; or any foreign counterpart thereof or any other application that claims priority to the above-application, and I hereby bind myself, my heirs, legal representatives, administrators and assigns properly to execute without further consideration, any and all applications, petitions, oaths and assignments or other papers and instruments which may be necessary in order to carry into full force and effect the sale, assignment, transfer and conveyance hereby made or intended to be made.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 10th day of

February, 2002.

James A. Sikorski
JAMES A. SIKORSKI

On this 10th day of February, 2002, before me, a notary public, came James A. Sikorski, to me known and known to be the individual described in and who executed the foregoing assignment, and he duly acknowledged the same to be his free act and deed.

Angela Chapman
Notary Public

(SEAL)

My commission expires: Feb. 3, 2004

Notary Public, Gwinnett County, Georgia
My Commission Expires February 3, 2004

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DECLARATION AND POWER OF ATTORNEY

Attorney's Docket No. ATH113US

In re Application of: Jayraz Luchoomun, Charles Q. Meng, Uday Saxena, and James A. Sikorski

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name. I believe I am a joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: Compounds and Methods to Increase Plasma HDL Cholesterol Levels and Improve HDL Functionality, the specification of which was filed April 11, 2001 as U.S. Patent Application No. 09/833,407.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I do not know and do not believe that the same was ever known or used by others in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to the date of this application. I further state that the invention was not in public use or on sale in the United States of America more than one year prior to the date of this application. *I understand that I have a duty of candor and good faith toward the Patent and Trademark Office*, and I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(d) of the foreign application(s) for patent or inventor's certificate listed below, and have also identified below any foreign application for patent or inventor's certificate disclosing subject matter in common with the above-identified specification and having a filing date before that of the application on which priority is claimed:

<u>Application No.</u>	<u>Country</u>	<u>Filing Date</u>	<u>Priority Claimed Under 35 USC §119</u>
None			Yes _____ No <u>X</u>

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

<u>60/196,201</u>	<u>April 11, 2000</u>		
(Application No.)	(Filing Date)	(Application No.)	(Filing Date)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter disclosed and claimed in the present application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status: patented, pending, abandoned</u>
None		

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statement were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

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POWER OF ATTORNEY: The following are hereby appointed to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Sherry M. Knowles-33,052; W. Scott Petty-35,645; Clark G. Sullivan-36,942; Holmes J. Hawkins-38,913; Steven P. Wigmore-40,447; Lisa K. Norton-44,977; Charles E. Peeler-45,004; Joseph M. Bennett-Paris-47,226; Shane A. Nichols-43,836; Bob Neufeld-48,394; Josephine Young 48,308; Bill Isaacs-44,165; Stephanie D. Adams-47,378.

Send correspondence to: **King & Spalding**, Customer No. 20786
191 Peachtree Street, N.E., 45th Floor
Atlanta, Georgia 30303

Direct telephone calls at (404) 572-4600

Sherry M. Knowles

Full name of second inventor: James A. Sikorski

Citizenship: US

Inventor's signature

James A. Sikorski

Date: 2/5/02

Residence and Post Office Address: 9970 Hunt Club Way, Alpharetta, GA 30022 US

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MAY 20 2002

DECLARATION AND POWER OF ATTORNEY

Attorney's Docket No. ATH113US

In re Application of: Jayraz Luchoomun, Charles Q. Meng, Uday Saxena, and James A. Sikorski.

TECH CENTER 1600/290

I, the below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name. I believe I am a joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: Compounds and Methods to Increase Plasma HDL Cholesterol Levels and Improve HDL Functionality, the specification of which was filed April 11, 2001 as U.S. Patent Application No. 09/833,407.

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<u>Application No.</u>	<u>Country</u>	<u>Filing Date</u>	<u>Priority Claimed Under 35 USC §119</u>
None			Yes _____ No <u>X</u>

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

<u>60/196,201</u>	<u>April 11, 2000</u>		
(Application No.)	(Filing Date)	(Application No.)	(Filing Date)

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<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status: patented, pending, abandoned</u>
None		

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statement were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

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Send correspondence to: **King & Spalding**, Customer No. 20786
191 Peachtree Street, N.E., 45th Floor
Atlanta, Georgia 30303

Direct telephone calls at (404) 572-4600

Sherry M. Knowles

Full name of second inventor: Jayraz Luchoomun

Citizenship: MU

Inventor's signature



Date: 02/04/02

Residence and Post Office Address: 3825 Charlton Ives Drive Lilburn Georgia 30047

DECLARATION AND POWER OF ATTORNEY

Attorney's Docket No. ATH113US

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In re Application of: Jayraz Luchoomun, Charles Q. Meng, Uday Saxena, and James A. Sikorski.

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name. I believe I am a joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: Compounds and Methods to Increase Plasma HDL Cholesterol Levels and Improve HDL Functionality, the specification of which was filed April 11, 2001 as U.S. Patent Application No. 09/833,407.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I do not know and do not believe that the same was ever known or used by others in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to the date of this application. I further state that the invention was not in public use or on sale in the United States of America more than one year prior to the date of this application. *I understand that I have a duty of candor and good faith toward the Patent and Trademark Office*, and I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

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<u>Application No.</u>	<u>Country</u>	<u>Filing Date</u>	<u>Priority Claimed Under 35 USC §119</u>
None			Yes _____ No <u>X</u>

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

<u>60/196,201</u>	<u>April 11, 2000</u>	_____	_____
(Application No.)	(Filing Date)	(Application No.)	(Filing Date)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter disclosed and claimed in the present application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status: patented, pending, abandoned</u>
None		

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statement were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

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Send correspondence to: **King & Spalding**, Customer No. 20786 Direct telephone calls at (404) 572-4600

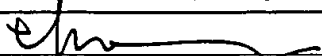
191 Peachtree Street, N.E., 45th Floor
Atlanta, Georgia 30303

Sherry M. Knowles

Full name of second inventor: Charles Q. Meng

Citizenship: CA

Inventor's signature



Date: 2/5/02

Residence and Post Office Address: 725 Northerden Court Alpharetta GA 30005

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MAY 20 2002

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DECLARATION AND POWER OF ATTORNEY

Attorney's Docket No. ATH113US

In re Application of: Jayraz Luchoomun, Charles Q. Meng, Uday Saxena, and James A. Sikorski.

MAY 13 2002

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name. I believe I am a joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: Compounds and Methods to Increase Plasma HDL Cholesterol Levels and Improve HDL Functionality, the specification of which was filed April 11, 2001 as U.S. Patent Application No. 09/833,407.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I do not know and do not believe that the same was ever known or used by others in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to the date of this application. I further state that the invention was not in public use or on sale in the United States of America more than one year prior to the date of this application. *I understand that I have a duty of candor and good faith toward the Patent and Trademark Office*, and I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(d) of the foreign application(s) for patent or inventor's certificate listed below, and have also identified below any foreign application for patent or inventor's certificate disclosing subject matter in common with the above-identified specification and having a filing date before that of the application on which priority is claimed:

<u>Application No.</u>	<u>Country</u>	<u>Filing Date</u>	<u>Priority Claimed Under 35 USC §119</u>
None			Yes _____ No <u>X</u>

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

<u>60/196,201</u>	<u>April 11, 2000</u>	_____	_____
(Application No.)	(Filing Date)	(Application No.)	(Filing Date)

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<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status: patented, pending, abandoned</u>
None		

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statement were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

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